

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1109

Citations Affected: IC 3-7; IC 3-8; IC 3-11; IC 3-11.5; IC 3-12.

Synopsis: Proposed conference committee report for EHB 1109. Various election law matters. Requires that all locations (other than the circuit court clerk's office) where a voter is entitled to cast an absentee ballot in person before election day must meet the same accessibility requirements that apply to a polling place for a precinct. Provides that a voter casting an absentee ballot before an absentee voter board in the office of the circuit court clerk or at a satellite office is entitled to receive assistance in casting a ballot if the voter is a voter with a disability or is unable to read or write English. Provides that a voter with a disability who votes an absentee ballot (other than a voter who casts an absentee ballot before an absentee voter board that visits the voter's residence or place of confinement) is entitled to vote on a direct record electronic voting system. Provides that a county election board may count absentee ballots cast at the clerk's office or at a satellite office on a direct record electronic voting system at a central location instead of sending those ballots to the precinct for counting. Requires a county election board that counts absentee ballots in this manner to adjust precinct vote totals to reflect the counting of these absentee ballots. Provides that a county that counts these absentee ballots in this fashion is not required to count other absentee ballots at a central location. Provides that absentee ballots cast at the clerk's office or at a satellite office on a direct record electronic voting system shall be counted using the procedures for counting absentee ballots at a central location, including the procedures for challenging absentee ballots and eliminating the absentee ballots of individuals voting in person at the polls, to assure that the ballots cast on the direct record electronic voting system may be counted. Implements the Military and Overseas Voter Empowerment Act ("MOVE") in Indiana election law. Delegates to counties the state's responsibilities to carry out the requirements of MOVE except as otherwise provided by law. Designates electronic mail, fax, and web publication as means of communications for an absent uniformed services voter or an overseas voter to request a voter registration application and an absentee ballot application. Requires the secretary of state, with the approval of the election division, to develop a free access system that permits an absent uniformed services voter or overseas voter to determine whether the voter's absentee ballot has been received by the appropriate county election board (or board of elections and registration), regardless of the manner in which the absentee ballot was transmitted by the voter to the board. Increases from 40 days to 74 days before the date of a general election the deadline for challenging the qualifications of a candidate who seeks an office on the general election ballot. Provides that if a challenge is not resolved by noon 60 days before

the general election, the challenge is terminated and the name of a challenged candidate may not be removed from the ballot. Provides that, if an absent uniformed services voter or an overseas voter makes a timely application for and does not receive an absentee ballot from a county election board, the voter may use a federal write-in absentee ballot in the form prescribed by the Federal Voting Assistance Program of the United States Department of Defense to cast a vote for any candidate, political party, or public question on a primary election, general election, municipal election, or special election ballot. Establishes rules for counting federal write-in absentee ballots. Updates outdated voter registration provisions. Repeals superseded statutes. **(This conference committee report changes all effective dates to July 1, 2010.)**

Effective: July 1, 2010.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1109 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Replace the effective dates in SECTIONS 1 through 31 with
- 2 "[EFFECTIVE JULY 1, 2010.]".
- 3 Page 21, delete line 32.
- 4 Renumber all SECTIONS consecutively.
(Reference is to EHB 1109 as reprinted February 25, 2010.)

Conference Committee Report
on
Engrossed House Bill 1109

Signed by:

Representative Battles
Chairperson

Senator Miller

Representative Richardson

Senator Broden

House Conferees

Senate Conferees